



Pre-lodgement Meeting Notes

Application No: PLM2023/0027
Meeting Date: 23 March 2023
Property Address: 39 Starkey Street FORESTVILLE
Proposal: Development Application Prelodgement Meeting
Attendees for Council: Julie Edwards – Planner
Daniel Milliken - Manager, Development Assessments

General Comments/Limitations of these Notes

These notes have been prepared by Council's Development Advisory Services Team on the basis of information provided by the applicant and a consultation meeting with Council staff. Council provides this service for guidance purposes only.

These notes are an account of the advice on the specific issues nominated by the Applicant and the discussions and conclusions reached at the meeting.

These notes are not a complete set of planning and related comments for the proposed development. Matters discussed and comments offered by Council will in no way fetter Council's discretion as the Consent Authority.

A determination can only be made following the lodgement and full assessment of the application.

In addition to the comments made within these Notes, it is a requirement of the applicant to address the relevant areas of legislation, including (but not limited to) any State Environmental Planning Policy (SEPP) and any applicable sections of the Warringah Local Environmental Plan 2011 and Warringah Development Control Plan 2011, within the supporting documentation including a Statement of Environmental Effects, Modification Report or Review of Determination Report.

You are advised to carefully review these notes and if specific concern have been raised or non-compliances that cannot be supported, you are strongly advised to review your proposal and consider amendments to the design of your development prior to the lodgement of any development application.



SPECIFIC ISSUES RAISED BY APPLICANT FOR DISCUSSION

| Response to critical matters | |
|---------------------------------------|--|
| Subdivision | <p>The proposed form of subdivision, while permissible via a technicality, is not supported and not recommended.</p> <p>Utilising the loophole created by the drafting of clause 4.1AA in the WLEP to create lots that are significantly undersized compared with the minimum lot size in Clause 4.1 is not considered to be orderly development of land and therefore does not satisfy the objects of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The creation of land use zones and the establishment of controls, particularly minimum lot size, is based on many factors. These include the provision of infrastructure such as public transport, roads, schools, hospitals and other services.</p> <p>The Greater Sydney Commission and the North District Plan in particular, set out housing targets for Councils. These are, in part, based on the availability of infrastructure and services. Northern Beaches, given the difficulties in providing more of these infrastructure and services, is not given large additional housing targets. The targets Council has been given will mainly occur where there has been, or will be, an upgrade to the road network (eg: around the Northern Beaches Hospital and in Warriewood Valley).</p> <p>Council's Local Strategic Planning Statement and Housing Strategy do not envisage a significant increase in population in Forestville.</p> <p>The use of community title subdivision, in this particular case, will result in two lots where there should be only one if the minimum lot size in clause 4.1 was applied. If this same method is extrapolated across all similar sized sites within the vicinity, the population of this area would greatly increase. If this was to occur across the entire R2 zone covered by WLEP 2011 (even if it was just on properties where it could be demonstrated that complying dwellings could be constructed on the undersized lots) the change in population, and the subsequent demand for infrastructure and services would be dramatic.</p> <p>There is no plan to upgrade infrastructure or services across the Northern Beaches to cater for this potential increase.</p> <p>Therefore, the approval of this proposal would create an undesirable precedent, is not in the public interest and is not orderly development of land. Council will not be supporting this proposal and it is very strongly advised that it not be lodged.</p> |
| Proposed vehicle parking arrangements | Please see the Development Engineering comments below. |
| Stormwater works | Please see the Development Engineering comments below. |



| Response to critical matters | |
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| Confirmation of the range of technical reports needed to accompany the application. | Please see the detailed list at the end of these notes. |

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011 (WLEP 2011)

WLEP 2011 can be viewed at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2011-0649>

| Part 2 - Zoning and Permissibility | |
|---|---|
| Definition of proposed development: (ref. WLEP 2011 Dictionary) | <ul style="list-style-type: none"> • Subdivision • Dwelling house |
| Zone: | R2 – Low Density Residential |
| Permitted with Consent or Prohibited: | Permitted with consent |

| Part 4 - Principal Development Standards | | | |
|---|--|---|--|
| Standard | Permitted | Proposed | Compliance |
| 4.1 Minimum subdivision lot size | 600m ² per dwelling | <u>Lot 2</u> 467.9m ² (variation of 22.1%) <u>Lot 3</u> 458.7m ² (variation of 23.55%) | The proposal does not comply with Clause 4.1, however, it is noted that this clause does not apply in relation to the subdivision of any land by any kind of subdivision under the <i>Community Land Development Act 2021</i> . It will need to be clearly demonstrated how the proposal meets the <i>Community Land Development Act 2021</i> . |
| 4.1AA Minimum subdivision lot size for community title schemes | This clause does not apply to R2 land. | | |

WARRINGAH DEVELOPMENT CONTROL PLAN 2011 (WDCP 2011)

WDCP 2011 can be viewed at <https://eservices.northernbeaches.nsw.gov.au/ePlanning/live/pages/plan/book.aspx?exhibit=DCP>

| Specialist Advice |
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| Landscape Comments The Statement of Environmental Effects shall include commentary of relevant landscape clauses of the DCP, specific to the subdivision works, and in this instance the following: |



Specialist Advice

- C1 Subdivision
- D1 Landscaped Open Space
- E1 Preservation of Trees or Bushland Vegetation

The subdivision proposed Subdivision (subject to detailed assessment) appears to ensure that the proposed lots have sufficient area for landscaping and private open space, to satisfy C1 of the WDCP.

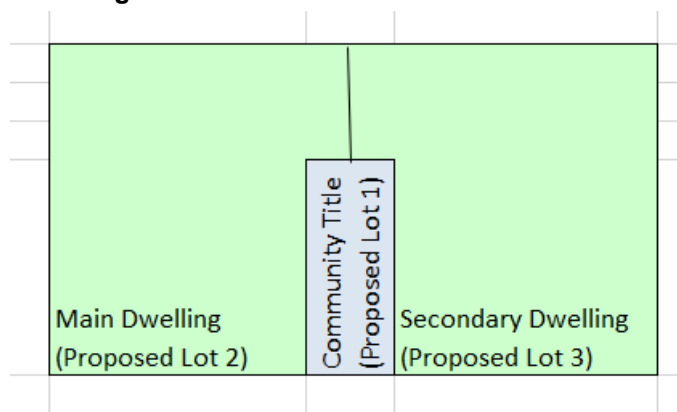
Based on the submitted Landscaped Area Calculations plan it appears that the requirement for 40% landscape area is satisfied (subject to detailed assessment) to provide for landscaped open space with dimensions that are sufficient to enable or maintain trees and vegetation to mitigate the bulk and scale of building, under D1 of the WDCP.

Relevant Plans and Reports shall be provided should any Subdivision works impact existing protected trees, including a Arboricultural Impact Assessment should any subdivision works be proposed within 5 metres of any tree.

Landscape concerns

Nil based on the pre-lodgement plans.

Development Engineers Comments



- Currently site have one primary and one secondary dwelling. Since the subdivision comprise only one lot into two lots, it is advised to be a Torrens Title rather than a Community Title.

Access:

1. Proposal is to modify existing vehicular access of main dwelling (proposed lot 2) and construct a new vehicular access for secondary dwelling (proposed lot 3). Due to close proximity of site to an intersection it is advised to construct one common vehicular access catering both lots rather than two independent driveways. This is also to maximise the availability for on street parking.
2. The access driveway shall be designed to ensure vehicles enter and leave in a forward direction for both lots.



Specialist Advice

3. Redundant vehicle crossing along frontage of site is to be reinstated to conventional kerb and gutter, footpath or grassed verge as appropriate.
4. The internal driveway grades are not to exceed a maximum grade of 1V in 4H with a transition grade of 1V in 10H for a minimum of 1.5 metres prior to the proposed parking facility
5. The driveway crossing is to be in accordance with Council's standard Vehicular Crossing profile which is available in Council's web page.
<https://www.northernbeaches.nsw.gov.au/planning-development/permits-and-certification/driveway-and-vehicle-crossings>

Stormwater:

1. The applicant is to demonstrate how stormwater from the proposed development shall be disposed of or in accordance with Northern Beaches Council's Water Management for Development Policy. The policy is available in Council's web page.
<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/policies-register/water-management/water-management-development-policy/water-management-development-policy-aug2020.pdf>
2. A drainage easement on lot 3 benefitting lot 2 is proposed. This easement to be registered on title.

Documentation to accompany the Development Application

- Lodge Application via NSW Planning Portal
- Statement of Environmental Effects including details of how the proposal meets the [*Community Land Development Act 2021*](#).
- Scaled and dimensioned plans:
 - Site Plan;
 - Floor Plans;
 - Elevations; and
 - Sections.
- Certified Shadow Diagrams (depicting shadows cast at 9am, Noon and 3pm on 21 June).
- Cost of works estimate
- Survey Plan (Boundary Identification Survey)
- Subdivision Plan
- Site Analysis Plan
- Demolition Plan
- Excavation and fill Plan
- Waste Management Plan (Construction & Demolition)
- Driveway Design Plan
- Erosion and Sediment Control Plan / Soil and Water Management Plan
- Stormwater Management Plan / Stormwater Plans and On-site Stormwater Detention (OSD) Checklist

IMPORTANT NOTE FOR DA LODGEMENT

Please refer to the Development Application Lodgement Requirements on Council's website (link details below) for further detail on the above list of plans, reports, survey and certificates.



<https://files.northernbeaches.nsw.gov.au/sites/default/files/documents/pdf-forms/development-application-da-modification-or-review-determination/2060-da-modification-lodgement-requirements-mar21.pdf>

The lodgement requirements will be used by Council in the review of the application after it is lodged through the NSW Planning Portal to verify that all requirements have been met for the type of application/development.

Concluding Comments

These notes are in response to a pre-lodgement meeting held on 23 March 2023 to discuss a proposed community title subdivision at 39 Starkey Street, Forestville.

Council will not be supporting the proposed subdivision as it will create an undesirable precedent, is not in the public interest and is not orderly development of land.

It is very strongly advised that a DA for this community title subdivision not be lodged.

Question on these Notes?

Should you have any questions or wish to seek clarification of any matters raised in these Notes, please contact the member of the Development Advisory Services Team at Council referred to on the front page of these Notes.